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Dev (195/7) Department.

cls SERIES.

G.O. No. 4161

Dated 25-8-47

[Despatch Abstract.]

~~REPLY~~ Attitude of Employment Exchanges during strikes and
~~REPLY~~ instructions - Communicated.

GOVERNMENT OF INDIA,
DEPARTMENT OF LABOUR.

(DIRECTORATE GENERAL OF RESETTLEMENT AND EMPLOYMENT).

No. RE.50(1).

New Delhi, 1st July 1947.

From

M.A. Latif, Esq., B.A.(Hons.),
Deputy Secretary to the Government of India.

To

All Provincial Governments and Administrations.

Sub:- Attitude of employment exchanges during strikes and lockouts.

Sir,

I am directed to refer to the correspondence ending with this Department's letter No. REE.50(1) dated 20.6.1946 on the above subject, and to say that in the light of the comments offered by the Provincial Governments, etc., the question was referred to by the Government of India again for consideration to the Indian Labour Conference held in April 1947. During the course of discussion the representatives of the workers at the Conference strongly urged that the existing practice followed by the Employment Exchanges in the matter, which is explained in Employment Exchange Circular No. 1/4 (copy enclosed to the Provincial Government with this Department letter No. REE.50(1) II. dated 5.6.1946) should be discontinued because in effect it meant that the Exchanges were being used to break strikes. No agreement was reached between the representatives of the workers and employers at the Conference. After very careful consideration the Government of India have now taken the following decisions:-

"In the event of a strike or lockout the Employment Exchange will refuse to accept vacancies or register work/people, except in the case of a strike or lockout which the appropriate Government, through an officer duly authorised in this behalf, notifies to the Employment Exchange to be an illegal strike, the continuance of which is contrary to the public interest, and directs the Employment Exchange to submit suitable applicants. In all cases where workers are submitted to strike vacancies or where workers who are on strike are submitted to employers for employment, the Employment Exchange before making such submission will inform the worker or employer, as the case may be, that the vacancy is due to an illegal strike or that the person who had been submitted for employment is at present unemployed because of an illegal strike or lockout".

2. The above decision is consistent with the policy of the Government of India as embodied in the Industrial Disputes Act (Act No. XIV of 1947). It also follows the Greek model which was previously accepted by the employers and workers at the 7th Session of the Indian Labour Conference.

3. In view of the fear of the workers that the Exchanges may be used for the purpose of breaking strikes, I am to request that the power to direct Exchanges to submit applicants should be used only in special cases, where the strike or lockout is declared by the competent authority, ~~unless~~ to be illegal and public interest is likely to suffer if it continues. Unless both these conditions are fulfilled, the Employment Exchanges will maintain a strictly neutral attitude and shall refuse to accept vacancies or register workpeople involved in a strike or lockout.

4. It will be observed that implementation of the policy decided above requires that the Provincial Governments should authorise

an officer who will be empowered on its behalf to notify the Employment Exchanges of the illegality of strikes or lockouts and to direct them to submit workers to fill vacancies which have arisen through strikes or lockouts considered detrimental to the public interest and which submissions by the Exchanges are considered necessary. The name and designation of the officer so authorised may kindly be communicated to the Regional Director of Resettlement and Employment concerned.

5. A periodical report of all cases of illegal strikes and lockouts which are notified to the Exchanges and in which the Exchanges are directed to submit suitable applicants may be furnished to this Department in the beginning of every month and should contain particulars of all cases occurring in the preceding month.

6. A copy of the revised instructions being issued to the Employment Exchanges in this connexion is enclosed for the information of the Provincial Government. These instructions supersede those issued previously to the Exchanges.

Your most obedient servant,

M.A. Latif,
Deputy Secretary to the Government of India.

Copy with a copy of the enclosure forwarded to the Regional Directors of Resettlement and Employment and Deputy Directors of Resettlement and Employment, Assam/N.W.F.P./Orissa with the request that the name and designation of the authorised officer when communicated to them by the Provincial Government should please be intimated to the Employment Exchanges within their areas. So far as the Central Government is concerned, the duly authorised officers will be the Chief Labour Commissioner and the Regional Labour Commissioners (Central).

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CONFIDENTIAL.
To (for official use only)

E.E. CIRCULAR 1/20.

Managers of all Employment Exchanges; and Assistant Managers in charge of District Employment Offices in Madras.

GOVERNMENT OF INDIA,
DEPARTMENT OF LABOUR.

(DIRECTORATE-GENERAL OF RESETTLEMENT AND EMPLOYMENT).

NOTE.

The instructions contained in this circular will apply with immediate effect.

GENERAL EXCHANGE PROCEDURE.

Assistance to Employers and workers involved in strikes and lockouts.

INTRODUCTION.

It was indicated in E.E. Circular 1/4, paragraph 3. that the procedure detailed in that circular for rendering

assistance to employers and workers involved in strikes and lockouts would apply pending further consideration of the question.

2. Further consideration has now been given to this question by Government in consultation with organisations representative of employers and workers. In these consultations, it was stated that Government were prepared to accept and operate any reasonable policy agreed upon between employers and workers. In the course of repeated attempts, however, it has not been possible to reach an agreement between the parties on this issue. As the existing policy is strongly objected to by Trade Union Organisations, Government have decided that the future policy should be as follows:-

"In the event of a strike or lockout the Employment Exchange will cease to accept vacancies or register workpeople except in the case of a strike or lockout which the appropriate Government, or an officer duly authorized in this behalf, notifies to the Employment Exchange to be an illegal strike, the continuance of which is contrary to the public interest, and directs the Employment Exchange to submit suitable applicants. In all cases where workers are submitted to strike vacancies or ~~or~~ where workers who are on strike are submitted to employers for employment, the Employment Exchange before making such submission will inform the worker or employer, as the case may be, that the vacancy is due to an illegal strike and that the person who had been submitted for employment is at present unemployed because of an illegal strike or lockout"

3. This circular details the action to be taken by Exchanges/District Employment Officers in dealing with:-

- 1) vacancies arising directly or indirectly as a result of a strike or lockout; and
- 2) workers who are unemployed because of a trade dispute which has resulted in a strike or lockout.

DEFINITION OF TERMS.

4. Where the term "Authorised Officer" is used in this circular it should be taken to mean any officer authorised by the Government to declare a strike to be illegal and its continuance contrary to the public interest. Such an officer is to direct an Exchange/District Employment Officer to submit suitable applicants to fill strike vacancies or to register applicants involved in a strike or lockout.

5. The term "Appropriate Government" means:-

- a) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, by the Federal Railway Authority or by a railway company operating a Federal Railway or in relation to an industrial dispute concerning a mine, oilfield, or a major port, the Central Government; and
- b) in relation to any other industrial dispute, the Provincial Government.

NOTIFICATION OF EXISTENCE AND TERMINATION OF STRIKES OR LOCKOUT

Arrangements have already been made for Employment Exchange/District Employment Officers to be notified of the existence of strikes and lockouts by the Regional Labour Commissioners (Central), Provincial Labour Commissioners, or other authorities concerned under Provincial Governments. On receipt of such notification if the Exchange/District Employment Officer hears

assistance to employers and workers involved in strikes and lockouts would apply pending further consideration of the question.

2. Further consideration has now been given to this question by Government in consultation with organisations representatives of employers and workers. In these consultations, it was indicated that Government were prepared to accept and operate any workable policy agreed upon between employers and workers. In spite of repeated attempts, however, it has not been possible to obtain agreement between the parties on this issue. As the existing policy is strongly objected to by Trade Union Organisations, Government have decided that the future policy should be as follows:-

"In the event of a strike or lockout the Employment Exchange will refuse to accept vacancies or register workpeople except in the case of a strike or lockout which the appropriate Government, through an officer duly authorized in this behalf, notifies to the Employment Exchange to be an illegal strike, the continuance of which is contrary to the public interest, and directs the Employment Exchange to submit suitable applicants. In all cases where workers are submitted to strike vacancies or ~~or~~ where workers who are on strike are submitted to employers for employment, the Employment Exchange before making such submission will inform the worker or employer, as the case may be, that the vacancy is due to an illegal strike or that the person who had been submitted for employment is at present unemployed because of an illegal strike or lockout".

3. This circular details the action to be taken by Exchanges/~~Director~~ (District) Employment Officers in dealing with:-

- (1) vacancies arising directly or indirectly as a result of a strike or lockout; and
- (2) workers who are unemployed because of a trade dispute ~~or~~ which has resulted in a strike or lockout.

DEFINITION OF TERMS.

4. Where the term "Authorised Officer" is used in this circular it should be taken to mean any officer authorised by the appropriate Government to declare a strike to be illegal and its continuance contrary to the public interest. Such an officer is empowered to direct an Exchange/District Employment Officer to submit applicants to fill strike vacancies or to register applicants involved in a strike/lockout.

5. The term "Appropriate Government" means:-

- (1) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, by the Federal Railway Authority or by a railway company operating a Federal Railway or in relation to an industrial dispute concerning a mine, oilfield, or a major port, the Central Government; and
- (2) in relation to any other industrial dispute, the Provincial Government.

NOTIFICATION OF EXISTENCE AND TERMINATION OF STRIKES OR LOCKOUTS

6. Arrangements have already been made for Employment Exchanges/District Employment Officers to be notified of the existence and termination of strikes and lockouts by the Regional Labour Commissioner (Central), Provincial Labour Commissioners, or other authorities concerned under Provincial Governments. On receipt of such information or if the Exchange/District Employment Officer hears

independently of the existence of a strike, Managers of Exchanges/ Assistant Managers-in-charge of District Employment Offices should ensure that registration and vacancy sections are advised and that the procedure detailed in the following paragraphs is rigidly observed.

VACANCIES ARISING AS A RESULT OF A STRIKE OR LOCKOUT.

7. When notified of vacancies which have arisen directly or indirectly as a result of a strike or lockout, vacancy officers should:-

- (1) record the vacancies on order card (s) in the normal way making an endorsement 'Trade Dispute' in red ink at the top of the order card(s);
- (2) refer the order card(s) immediately to the Manager/ Assistant Manager who should satisfy himself that the vacancies have in fact arisen from the existence of a strike or lockout. When satisfied that they have so arisen, the Manager should initial and date the endorsement 'Trade Dispute' on the order card(s); and
- (3) take no further action unless a direction is received from the Authorised Officer of the appropriate Government that the Exchange/District Employment Officer is to submit suitable applicants as the strike is illegal and its continuance contrary to the public interest.

7. When orders are received from the Authorised Officer of the appropriate Government that applicants are to be submitted for vacancies which have arisen as a result of a strike or lockout, the Exchange/District Employment Officer should note the order card(s) accordingly and identify suitable applicants for submission. In all cases, before applicants are submitted, they should be advised that the vacancies have arisen as a result of an illegal strike or lockout.

Registration and submission of workers unemployed as a result of strikes or lockouts:-

9. When workers apply for registration and it is revealed that they have been employed by a firm or undertaking at which the existence of a strike or lockout has been notified, they should be registered in the normal way but, before registration numbers are allocated, it should be verified whether or not they are unemployed because of the strike/lockout.

10. In respect of workers not involved in the strike/lockout, normal action should be taken.

11. In respect of workers who are involved in the strike/lockout:-

- (1) Employment Index Cards should be endorsed in red ink at the top 'Trade Dispute' and
- (2) Registration numbers should not be allocated to the registrations and they not be placed on the Live Registers, but should be placed temporarily in a special section of the Dead Register.

Should

12. When directions are received from the Authorised Officer of the appropriate Government that workers involved in a strike or lockout may be considered for vacancies, their registrations should be allocated serial numbers and brought on to the Live Register in

the normal way. Before submission, it should be made clear to the employers concerned that the applicants are available for employment, because of the existence of a strike/lockout.

13. When notice is received that a strike or lockout has ended, relevant Employment Index ~~And~~ Cards bearing the endorsement 'Trade Dispute' which are filed in the Live Register and the Special Section of the Dead Register should be withdrawn. It should be verified from the employer whether the individual workers concerned have resumed work. If they have resumed work, the cards should be transferred to the Dead Register. In other cases the endorsement 'Trade Dispute' should be deleted from the top of the cards which should be filed in the Live Register.

STATISTICS.

14. Information will be required in future regarding the extent to which Exchanges/District Employment Officers render assistance in filling vacancies which have arisen from strikes or lockouts. For this purpose, details of strike/lockout vacancies filled and filled should be entered separately in the return E.S. 1. Along with the return for June, these details should be entered in item 'B' of the return E.S. 1 under columns 4 and 9, which have hitherto been left blank (it was indicated in E.S. Circular 2/2 that further details would be issued regarding these blank columns). The only strike/lockout vacancies to be included in return E.S. 1 are those to which the Authorised Officer of the Central Government has directed the Exchange/District Employment Officer to submit workers.

15. Information is required forthwith regarding the extent to which Exchanges/District Employment Officers have been utilised in filling of strike/lockout vacancies up to the end of May 1947. All Exchanges/District Employment Officers should, by 10th June, submit a statement to the Director Employment Exchanges, 50, Directorate General of Resettlement and Employment, Connaught Road, New Delhi, giving details of the numbers of strike/lockout vacancies filled during the period April 1946 to May 1947, details being given for each calendar month. This statement should be submitted during the first week of June, nil returns being submitted where appropriate.

16. Applicants unemployed as the result of a strike/lockout should not be counted for statistical purposes unless they have obtained registration numbers and brought on to the Live Register in accordance with the instructions given in this circular.

GENERAL.

17. It is emphasised that Exchange/District Employment Officers should not, under any circumstances, submit applicants to employers which have arisen as a result of the existence of a strike or lockout unless directions have been given by the authorised officer of the Central Government that the strike is an illegal one, against the public interest, and for which suitable applicants are not available. Where necessary, employers should be advised that the responsibility of the Exchange/District Employment Officers is one of neutrality and that it will not be possible to submit applicants in this direction ~~is the responsibility~~ by the Authorised Officer. The responsibility of the Manager of the Exchange/Assistant Manager of District Employment Office to approach the Authorised Officer to see whether workers should be submitted or not.

18. The Authorised Officer so far as the Central Government is concerned will be the Chief Labour Commissioner or the Regional Labour Commissioner (Central). Regional

the normal way. Before submission, it should be made clear to the employers concerned that the applicants are available for employment, because of the existence of a strike/lockout.

13. When notice is received that a strike or lockout has terminated, relevant Employment Index ~~And~~ Cards bearing the endorsement 'Trade Dispute' which are filed in the Live Register and the Special Section of the Dead Register should be withdrawn. It should then be verified from the employer whether the individual workers concerned have resumed work. If they are resumed work, the cards should be transferred to the Dead Register. In other cases the endorsement 'Trade Dispute' should be deleted from the top of the cards which should be filed ~~in~~ the Live Register.

STATISTICS.

14. Information will be required in future regarding the extent to which Exchanges/District Employment Officers render assistance in filling vacancies which have arisen from strikes or lockouts. For this purpose, details of strike/lockout vacancies notified and filled should be entered separately in the return E.S. Commencing with the return for June, these details should be entered in Section 'B' of the return E.S.1 under columns 4 and 9, which have previously been left blank (it was indicated in E.E. Circular 2/2 para 6 that further details would be issued regarding these blank columns). The only strike/lockout vacancies to be included in return E.S. 1 as notified are those to which the Authorised Officer of the appropriate Government has directed the Exchange/District Employment Officer to submit workers.

15. Information is required forthwith regarding the extent to which Exchange/District Employment Officers have been utilised for the filling of strike/lockout vacancies up to the end of May this year. All Exchanges/District Employment Officers should, therefore, submit a statement to the Director Employment Exchanges, Room No. 50, Directorate General of Resettlement and Employment, Gurdwara Road, New Delhi, giving details of the numbers of strike/lockout vacancies filled during the period April 1946 to May 1947, separate details being given for each calendar month. This statement should be submitted during the first week of June, nil returns being submitted where appropriate.

16. Applicants unemployed as the result of a strike/lockout should not be counted for statistical purposes unless they are allocated registration numbers and brought on to the Live Register in accordance with the instructions given in this circular.

GENERAL.

17. It is emphasised that Exchange/District Employment Officers should not, under any circumstances, submit applicants to vacancies, which have arisen as a result of the existence of a strike or lockout unless directions have been given by the authorised officer of the appropriate Government that the strike is an illegal one, contrary to the public interest, and for which suitable applicants may be submitted. Where necessary, employers should be advised that the attitude of the Exchange/District Employment Officers is one of strict neutrality and that it will not be possible to submit workers unless this direction ~~is given~~ by the Authorised Officer. It is not the responsibility of the Manager of the Exchange/Assistant Manager-in-charge of District Employment Office to approach the Authorised Officer to see whether workers should be submitted or not.

18. The Authorised Officer so far as the Central Government is concerned will be the Chief Labour Commissioner or the appropriate Regional Labour Commissioner (Central). Regional

Directors will advise Exchange/District Employment Officers of the Authorised Officers of the Provincial Governments.

19. Exchanges/District Employment Officers may hear of the existence of a strike or lockout which has not been notified to them by the Regional Labour Commissioner (Central), the Provincial Labour Commissioner or other authorities concerned under the Provincial Government. In such cases, details should be reported to the Regional Labour Commissioner (Central), the Provincial Labour Commissioner or other officer as appropriate.

Annotation, cancellation and amendment of instructions.

20. The following addition should be made to the copy of return E.S.1. which is reproduced in E.E. circular 2/2, Appendix I:-

Insert as heading to columns (4) and (9) of section B of the return "Strike/Lockout vacancies".

21. The number of this circular should be noted against the item "Notes" in E.E. Circ. 2/2, para 6. (page 3 of the Circular).

22. E.E. Circ. 1/4 and E.E.C.M. 31/1946, para 12 are hereby cancelled.

26th May 1948.

(R.E.E. 50(1)).

DIRECTORATE OF EMPLOYMENT EXCHANGES,
NEW DELHI.

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GOVERNMENT OF MADRAS.
Abstract.

Labour - Attitude of Employment Exchanges during strikes and lockouts - Further instructions - Communicated.

DEVELOPMENT DEPARTMENT

G.O. Ms. No. 4161.

August
Dated the 25th ~~September~~ 1948
Read:-

From the Government of India, Department of Labour,
No. R.E.E. A 50(1) dated 1.7.1947.

Order:-

Letter from the Government of India cited above is communicated to the Commissioner of Labour for information and necessary action.

2. With reference to para 4 of the letter, the Government authorise the Commissioner of Labour on their behalf to notify the Employment Exchanges of the illegality of strikes or lockouts and direct them to submit workers to fill vacancies which have arisen through illegal strikes or lockouts.

3. The Commissioner is requested to submit direct to the Government of India the monthly report called for in para 5 of the letter, and a copy to this Government for

information.

(By Order of His Excellency the Governor).

W.R.S. Sattianathan,
Secretary to Government.

To

The Commissioner of Labour.
Copy to the Government of India, Department of Labour, New Delhi.

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GOVERNMENT OF MADRAS.
Development Department.

Letter/Reference No. 66416/PI/47-1.

From

Sri. W.R.S. Sattianathan, I.C.S.,
Secretary to Government.

To

The Regional Director of Resettlement and Employment,
Madras.

Dated, Fort St. George, the 25th August 1947.

Sir,

Sub:- Labour - Attitude of employment exchanges
during strikes and lockouts.

Ref:- Letter from the Government of India, Department
of Labour, R.E.E. 50(1) dated 1.7.1947.

I am directed to enclose for your
information a copy of this Government's proceedings No. 4161
Development, dated 25.8.1947.

Yours faithfully,

(Sd) W.R.S. Sattianathan,
Secretary to Government.

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/True copy/

k.y.s.

M/6/56

S. Jayaraman
7.6.57
Office Assistant,
Madras Record Office.